

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 7/2/08

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FAREPORTAL, INC. D/B/A CHEAPOAIR,
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Plaintiff, :
:
-v- :
:
OPINION CORP. D/B/A PISSEDCONSUMER, :
:
Defendant. :
:
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08 Civ. 5964 (DLC)
SCHEDULING ORDER

DENISE COTE, District Judge:

Having held a conference with the parties on July 2, 2008, and the parties having consented (1) to consolidation of the preliminary injunction proceedings with the trial on the merits, and (2) to a non-jury trial, it is hereby

ORDERED that the parties shall contact the chambers of Magistrate Judge Ellis no later than **July 11, 2008**, in order to arrange to pursue settlement discussions under his supervision.

IT IS FURTHER ORDERED that the defendant shall submit its memorandum of law in opposition to the plaintiff's application for a preliminary injunction by **August 15, 2008**.

IT IS FURTHER ORDERED that the parties shall complete any necessary fact discovery by **September 19, 2008**.

IT IS FURTHER ORDERED that the parties shall complete any necessary expert discovery by **October 3, 2008**.

IT IS FURTHER ORDERED that, on **October 17, 2008**, by 5:00 p.m., the following documents are to be submitted:

1. Proposed Findings of Fact and Conclusions of Law.
2. All direct testimony shall be by affidavit, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at the trial. The affidavits shall be served, **but not filed**.
3. Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with

transcript citations) of such testimony for each deposition.

4. Memorandum of law.
5. Counsel will provide the Court, by delivery directly to Chambers, with two (2) courtesy copies of all these documents at the time they are served, as well as one set of exhibits, pre-marked and assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.
6. By **October 22, 2008**, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at the trial.
7. By **October 24, 2008**, any Reply memorandum of law must be submitted. Counsel will provide the Court with two courtesy copies of any Reply memorandum by delivery directly to Chambers.

IT IS FURTHER ORDERED that the final pretrial conference is scheduled for **October 24, 2008**, at 10:00 a.m. in Courtroom 11B, 500 Pearl Street.

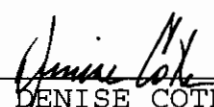
IT IS FURTHER ORDERED that the trial will begin at **9:30 a.m. on October 27, 2008**.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial.

1. All exhibits must be pre-marked.
2. At the start of the trial each party will present the Court with three copies of a complete exhibit list.
3. Counsel should make certain that they have custody of all original exhibits, including the affidavits composing the direct testimony. The Court does not retain them and the Clerk is not responsible for them.

SO ORDERED:

Dated: New York, New York
July 2, 2008



DENISE COTE
United States District Judge